

Message Text

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70

ORIGIN OPIC-06

INFO OCT-01 NEA-10 ISO-00 EB-07 COME-00 TRSE-00 AID-05 L-03

CIAE-00 INR-07 NSAE-00 INRE-00 /039 R

DRAFTED BY OPIC/GC: REBROWN

APPROVED BY EB/IFD/OIA: RJSMITH

EB/IFD/OIA:DHSTEBBING

NEA/PAB:DARCHARD (INFO)

----- 056549

O 042151Z OCT 76

FM SECSTATE WASHDC

TO AMEMBASSY DACCA IMMEDIATE

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E.O. 11652: N/A

TAGS:EFIN

SUBJECT: BELBAGCO

REF: (A) DACCA 5105; (B) DACCA 5033

1. OPIC WOULD PREFER TO FILE A SINGLE CLAIM EITHER IN BELBAGCO'S NAME OR IN OPIC'S NAME, RATHER THAN FILING A JOINT CLAIM AS SUGGESTED IN REFTEL A, UNLESS LOCAL BDG LAW AND PROCEDURE REQUIRE THAT A JOINT CLAIM BE FILED UNDER THE CIRCUMSTANCES OF THIS CASE.

2. WHILE THERE MAY BE TACTICAL ADVANTAGES IN FILING THE CLAIM IN OPIC'S NAME ALONE, SUCH ADVANTAGES WOULD BE OUTWEIGHED IF DOING SO WOULD PROVIDE THE BDG WITH A LEGITIMATE RIGHT TO MAKE THRESHOLD INQUIRIES INTO OPIC'S RIGHT TO FILE THE CLAIM IN THIS MANNER, AS SUGGESTED BY REFTEL A, PARA.L4 OR IF THE BDG WOULD HAVE COLORABLE GROUNDS FOR CHALLENGING THE VALIDITY OF THE CLAIM, AS SUGGESTED BY REFTEL B, PARA 3. ON THE OTHER HAND IT IS NOT CLEAR TO OPIC WHETHER A CLAIM FILED BY BELBAGCO ALONE WOULD BE ENTIRELY VALID,
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GIVEN THE FACT THAT BELBAGCO HAS BEEN PARTIALLY INDEMNIFIED,

OR WHETHER SUCH A CLAIM WOULD PROTECT OPIC'S RIGHTS AS
SUBROGEE.

3. OPIC'S PARAMOUNT OBJECTIVE AT THIS POINT IN TIME IS TO
FILE A CLAIM BY OCTOBER 31 IN A MANNER THAT BEST PROTECTS
THE INTERESTS OF BOTH BELBAGCO AND OPIC AND IS NOT
SUSCEPTIBLE TO THRESHOLD PROCEDURAL CHALLENGES BY THE
BDG.

4. COULD EMBASSY ASK HOSSAIN TO ADDRESS OPIC'S OPTIONS
IN THIS REGARD DIRECTLY REPEAT DIRECTLY WITH OPIC NO LATER
THAN OCTOBER 8, 1976? KISSINGER

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